

SENATE BILL 17

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 3, to enact the "Tennessee Slavery, Involuntary Servitude and Human Trafficking Prevention Act of 2007".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Tennessee Slavery, Involuntary Servitude and Human Trafficking Prevention Act of 2007".

SECTION 2. Tennessee Code Annotated, Section 39-13-301, is amended by adding the following appropriately numbered new items:

() "Blackmail" means threatening to expose or reveal the identity of another or any material, document, secret or other information that might subject a person to hatred, contempt, ridicule, loss of employment, social status or economic harm.

() "Financial harm" includes extortion as defined by § 39-14-112, criminal violation of the usury laws as defined by § 47-14-112 or employment contracts that violate the Statute of Frauds as defined by § 29-2-101(b).

() "Forced labor or services" means labor or services that are performed or provided by another person and are obtained or maintained through the defendant's:

(A) Causing or threatening to cause serious harm to any person;

(B) Physically restraining or threatening to physically restrain another person;

(C) Abusing or threatening to abuse the law or legal process;

(D) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person;

(E) Blackmail; or

(F) Causing or threatening to cause financial harm to in order to exercise financial control over any person.

() "Labor" means work of economic or financial value.

() "Maintain" means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type of service.

() "Obtain" means, in relation to labor or services, to secure performance thereof.

() "Services" means an ongoing relationship between a person and the defendant in which the person performs activities under the supervision of or for the defendant.

SECTION 3. Tennessee Code Annotated, Title 39, Chapter 13, Part 3, is amended by adding the following new sections:

§ 39-13-307.

(a) A person commits the offense of involuntary servitude who knowingly subjects, or attempts to subject, another person to forced labor or services by:

(1) Causing or threatening to cause physical harm to such person;

(2) Physically restraining or threatening to physically restrain such person;

(3) Abusing or threatening to abuse the law or legal process;

(4) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration

document, or any other actual or purported government identification document, of such person; or

(5) Using blackmail, or using or threatening to cause financial harm for the purpose of exercising financial control over such person.

(b) In addition to any other amount of loss identified or any other punishment imposed, the court shall order restitution to the victim or victims in an amount equal to the greater of:

(1) The gross income or value to the defendant of the victim's labor or services; or

(2) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) or the minimum wage required in Tennessee, whichever is higher.

(c) Nothing in this section shall be construed as prohibiting the defendant from also being prosecuted for the theft of the victim's labor or services by involuntary servitude or for any other appropriate criminal statute violated by the defendant's conduct.

(d)

(1) Involuntary servitude is a Class C felony.

(2) Involuntary servitude is a Class B felony if:

(A) The violation resulted in the serious bodily injury or death of a victim;

(B) The period of time during which the victim was held in servitude exceeded one (1) year, or

(3) The defendant held ten (10) or more victims in servitude at any time during the course of the defendant's criminal episode.

§ 39-13-308.

(a) A person commits the offense of trafficking persons for forced labor or services who knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, intending or knowing that the person will be subjected to involuntary servitude; or

(2) Benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in § 39-13-307.

(b) In addition to any other amount of loss identified or any other punishment imposed, the court shall order restitution to the victim or victims in an amount equal to the greater of:

(1) The gross income or value of the benefit received by the defendant as the result of the victim's labor or services; or

(2) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) or the minimum wage required in Tennessee, whichever is higher.

(c) Trafficking for forced labor or services is a Class D felony.

SECTION 4. Tennessee Code Annotated, Section 39-13-303, is amended by deleting subsection (a) and substituting instead the following:

(a) Kidnapping is false imprisonment as defined in § 39-13-302, under circumstances exposing the other person to substantial risk of bodily injury.

SECTION 5. This act shall take effect July 1, 2007, the public welfare requiring it.